

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	
BRIAN C GARDNER	:	BK. No. 17-12660 JKF
ASHLEY M GARDNER	:	
	Debtors	
	:	
		Chapter No. 13
	:	
WELLS FARGO BANK, N.A.	:	
	Movant	
	:	
	v.	
	:	
BRIAN C GARDNER	:	
ASHLEY M GARDNER	:	
	Respondents	
	:	

**OBJECTION OF WELLS FARGO BANK, N.A. TO CONFIRMATION OF THE
DEBTORS' CHAPTER 13 PLAN**

Movant, **WELLS FARGO BANK, N.A.** (hereinafter referred to as "Movant"), by its attorneys Phelan Hallinan Diamond & Jones, LLP hereby objects to confirmation of the Debtors' Chapter 13 Plan as follows:

1. Movant is **WELLS FARGO BANK, N.A.**
2. Debtors, BRIAN C. GARDNER AND ASHLEY M. GARDNER, are the owners of the property located at 704 CLYMER LANE, RIDLEY PARK, PA 19078-1311.
3. On May 5, 2017, Movant filed Proof of Claim listing pre-petition arrears in the amount of \$29,100.13. A copy of the Proof of Claim is attached hereto as Exhibit "A" and made a part hereof.
4. Debtors' Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).
5. Debtors' Plan currently provides for payment to Movant in the amount of \$23,433.00. A copy of the Debtors' Plan is attached hereto as Exhibit "B" and made a part hereof.
6. Additionally, Debtors' Plan fails to provide for the full monthly post-petition payment owed to Movant under the terms of the Note and Mortgage. Movant objects to any post-petition payment amount less than 100% of what is required. Accordingly, confirmation of Debtor's proposed Plan should be denied.

WHEREFORE, **WELLS FARGO BANK, N.A.** respectfully requests that this Honorable Court deny confirmation of the Debtors' Chapter 13 Plan.

Respectfully Submitted,

/s/ Mario J. Hanyon, Esquire
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Dated: May 25, 2017